

BURTON A. RYKKEN ET AL.

IBLA 78-521

Decided August 21, 1978

Appeal from a decision of New Mexico State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offer NM 33278.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases:  
Applications: Drawings

A simultaneous oil and gas drawing entry card must be fully executed by the applicants and when they omit their address, the lease offer is properly rejected notwithstanding assertions of excusable neglect or inadvertence.

APPEARANCES: Burton A. Rykken and Galvin A. Lunde, pro sese.

OPINION BY ADMINISTRATIVE JUDGE BURSKI

Burton A. Rykken and Galvin A. Lunde have appealed from a decision of the New Mexico State Office, Bureau of Land Management (BLM), dated June 6, 1978, rejecting their simultaneous oil and gas lease offer, NM 33278, because their drawing entry card failed to include their address.

[1] It is well settled that failure to include applicants' address on the drawing entry card will result in rejection of their lease offer.

The pertinent regulation requires that drawing entry cards be "fully executed." 43 CFR 3112.2-1(a). The Board has consistently held that a drawing entry card that does not include the applicant's address will be deemed to be not fully executed and must be rejected. Hartley L. Gordon, 32 IBLA 139 (1977); Hartley L. Gordon, 27 IBLA 315 (1976); Grace M. Williams, 26 IBLA 232 (1976). Accordingly, the offer was properly rejected.

In their statement of reasons for appeal, appellants contend that failure to include their address was due to an "oversight."

Instructions on the drawing entry card, BLM Form 3112-1 (February 1976), submitted by the appellants, state that "this card must be fully completed \* \* \*." By notice published in the Federal Register, 39 FR 24523 (1974), applicants were informed that: "Failure to complete any part of the card will disqualify the applicant for participation in the drawing \* \* \*." Appellants had ample notice of the requirements of the regulation and of the result of failure to comply.

In Edna M. McCree, 33 IBLA 235, 236 (1977), the Board held that "excusable neglect or inadvertence" will not excuse compliance with the requirements of the regulation. Appellants will not be excused for inadvertence in failing to include their address.

Appellants also contend that their names and social security numbers furnished sufficient means of identification. However, even if this were so, it does not relieve them of the obligation to supply their address, as required, on the drawing entry card. As the Board stated in Albert E. Mitchell, III, 20 IBLA 302, 303 (1975): "In order to process the increasingly large number of simultaneous offers certain procedures must be followed which for their successful operation require complete cooperation and accuracy on the part of applicants." (Footnote omitted.)

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

James L. Burski  
Administrative Judge

We concur:

Douglas E. Henriques  
Administrative Judge

Joan B. Thompson  
Administrative Judge

